Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process

Peer Review in the BWC Context

Working with Colleagues to Strengthen the Convention: Possible roles for a BWC Peer Review as a Transparency and Confidence-Building Measure

Submitted by Germany

I. Introduction

1. The Biological and Toxin Weapons Convention (BTWC) is an important international treaty. However, it lacks a strong institutional framework and is somewhat in need of a healthier dynamic. While the Chemical Weapons Convention (CWC) is backed by the Organisation for the Prohibition of Chemical Weapons (OPCW), the BTWC is entirely dependent on efforts by its member states regarding the implementation of the Convention. Therefore, Germany believes that it is important to continue to promote initiatives such as Peer Review exercises. They increase trust and transparency among BTWC member states and thus inject fresh impetus into the BTWC before the Ninth Review Conference.

2. The "Peer Review" Concept was introduced to the BWC discussions by France in the form of a working paper for the 7th Review Conference: BWC/CONF.VII/WP.28 — "A Peer Review mechanism for the Biological Weapons Convention: enhancing confidence in national implementation and international cooperation at the Seventh Review Conference." The core idea is simple: Peers — meaning national experts and colleagues on the same professional level — are working together across borders in order to review and improve the national implementation of selected or all provisions of the BWC by a State Party to the Convention.

3. Peer Reviews is not a new instrument in international politics and organizations. Well-known and established are the African Union's African Peer Review Mechanism

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(APRM), the OECD's Development Assistance Committee (DAC) peer-review system, the Financial Action Task Force (FATAF) peer-review mechanism on money laundering, the IAEA's Integrated Regulatory Review Service (IRRS) Peer Reviews, and the European Nuclear Safety Regulators Group (ENSREG) stress test. The value of Peer Reviews for the BWC has also been recognized by UNIDIR, which published a guide entitled "A Peer Review Mechanism for the Biological and Toxin Weapons Convention" in 2013, outlining a variety of possible functions for a peer review mechanism.

4. The German Federal Government has consistently and patiently pursued a pragmatic step-by-step approach to creating the conditions and a suitable security policy environment to achieve the goal of a world free from weapons of mass destruction. Germany believes that if the implementation of the BTWC is carried out in a transparent manner, it can contribute to enhancing confidence in States Parties' compliance with and commitment to the BTWC. Germany, therefore, decided to conduct a Peer Review exercise in August 2016 at the Bundeswehr Institute of Microbiology, a military facility relevant to the BTWC and covered by the Confidence-Building Measures (CBM) submitted by Germany[1]

II. The "Peer Review" concept in the BWC context

5. The Peer Review Concept came along with developments in the sciences. It is based on monitoring performance in applying standard or state-of- the-art procedures as well as on the interpretation of scientific findings with the aim of quality improvement and assurance. The review of results is done by experts with at least equal knowledge, the so-called peers. The participation in a Peer Review is voluntary, but passing a Peer Review process successfully is like having achieved a scientific quality seal.

6. Peer Review describes a process which can be applied as a modular instrument for quality monitoring and assurance, which is applicable outside the sciences in a large variety of different fields.

7. Peer Reviews have the potential to serve to build transparency and resolve any ambiguities or questions surrounding a state's practice. This, in turn, could help in building confidence; knowing what other states have in place to comply with obligations (and knowing that what is in place has been independently evaluated and subjected to quality control) would certainly provide a clearer picture of the state of play.

8. By conducting Peer Reviews, states parties can actively contribute to upholding the implementation standards of the BTWC and thus strengthen the Convention.

9. Germany is aware that Peer Review exercises are neither a substitute for verification nor do they equate to a compliance mechanism. They are, however, a useful tool for further discussions on the issue of confidence in compliance among States Parties and serve as a connection between the theoretical discourse on implementation and practical, pragmatic every-day procedures on BTWC sites. This understanding is also elaborated in our working paper BWC/CONF.VIII/WP.11, as tabled on October 16, 2016.

10. The Peer Review concept was introduced to the BWC discussions by France with BWC/CONF. VII/WP.28. Between 2012 and 2017, 22 related working papers have been published, presenting national views as well as different Peer Review and Peer Review-like activities (see "References").

[1] BWC/CONF.VIII/WP.11, BWC/CONF.VIII/WP.11/Corr.1, BWC/CONF.VIII/WP.29, http://www.nonproliferation.eu/web/documents/nonproliferationpapers/increasing-transparency-in-biodefence-a-2016-visit-54.pdf

11. In addition to enhancing transparency and improving confidence in compliance, Peer Review Exercises are a good opportunity to:

(a) Share best practices;

(b) Discuss national implementation systems;

(c) Raise awareness, and

(d) Establish contacts which can serve to increase international cooperation.

12. The modules described in the working papers offer a broad variety of activities contributing to:

(a) Enhance confidence by increased transparency;

(b) Identify implementation gaps and assist to improve the national implementation; and

(c) Identify national need, ways, and means to enhance international cooperation.

13. Peer Reviews can lead to further addressing ways and means to enhance national implementation, taking into account differences in national circumstances and legal and constitutional processes, sharing best practices and experiences. Several states parties noted the value of the organization of Peer Review exercises which enable the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, improved confidence in compliance through laboratory and on-site visits, strengthening of national institutions and coordination among national law enforcement institutions.

14. The spectrum of Peer Review activities reaches from paperwork to visits. Nevertheless, all activities build on one common understanding: they all are voluntarily agreed either bilaterally, multilaterally or by a process open to all States Parties that are interested to make use of the Peer Review opportunities.

III. Peer Review as a Transparency and Confidence-Building Measure

15. As James Revill has rightfully noted, "the peer-review process requires the collection, collation, and translation of detailed information on activities undertaken by the state under review. The availability of such information is useful as a transparency mechanism, particularly as a space is provided to consult on and clarify any ambiguities or doubts, check the accuracy of national submissions, and raise any questions the submissions material may generate in a safe environment. In this regard transparency provided for a peer-review process should be understood as 'more than just the availability of relevant information. It is also about usefulness, it is about taking note, reflecting, analyzing and assessing the information exchanged, and ensuring that any outstanding and emerging questions are answered'. Peer review therefore has the potential to serve to build transparency and resolve any ambiguities or questions surrounding a state's practice. This in turn could help in building confidence; knowing what other states have in place to comply with obligations (and knowing that what is in place has been independently evaluated and subjected to quality control) would certainly provide a clearer picture of the state of play." (UNIDIR/2013/1).

IV. Ways forward

16. The Peer Review activities undertaken so far across regional groups have evidently demonstrated that they are a useful tool to improve trust in national implementation by increased transparency. In consequence, it has been established that the Peer Review Concept as such merits more mindful discussions in an appropriate format such as a working group as part of the 2018 – 2020 intersessional process.

V. References

A. Initial Conceptual Proposals

BWC/MSP/2010/WP.3/Rev.1 National implementation of the BTWC: compliance assessment: a concept paper — Submitted by Canada

Advance Document Seventh Review Conference: Canada and Switzerland, National Implementation of the BTWC: Compliance Assessment (as submitted as an official document)

Advance document Seventh Review Conference: France, Peer-review mechanism for the BTWC (as submitted as an official document) in French and English

BWC/MSP/2012/MX/WP.17 National Implementation of the BTWC: Compliance Assessment — Submitted by Canada and Switzerland

BWC/MSP/2012/WP.6 National implementation of the BTWC: compliance assessment: update — submitted by Canada, the Czech Republic and Switzerland

B. Information about the French Peer Review Pilot Exercise

BWC/CONF.VII/WP.28 (Arabic translation, French translation) A peer review mechanism for the Biological Weapons Convention: enhancing confidence in national implementation and international cooperation — Submitted by France

BWC/MSP/2013/WP.8 Peer Review pilot exercise — Submitted by France

BWC/MSP/2014/WP.3 Exercice pilote de revue par les pairs tenu du 4 au 6 décembre 2013 à Paris — submitted by France

C. Information about the BENELUX Peer Review Pilot Exercise

BWC/MSP/2015/MX/WP.13 — BENELUX BTWC Peer Review. Outline of Key features and objectives. Submitted by Belgium, The Netherlands and Luxembourg

BWC/MSP/2015/MX/WP.13/ Rev.1 — BENELUX BTWC Peer Review. Outline of Key features and objectives. Submitted by Belgium, The Netherlands and Luxembourg

BWC/MSP/2015/WP.12 — BENELUX BTWC Peer Review: Initial observations — Submitted by Belgium, Luxembourg and the Netherlands

BWC/CONF.VIII/PC/WP.13 — Peer review: an innovative way to strengthen the BWC — Submitted by Belgium, France, Luxemburg and Netherlands

BWC/CONF.VIII/PC/WP.26 — Strengthening the BWC: Reflecting on the Peer Review Concept — Submitted by Belgium, Luxembourg and Netherlands

D. Information about the Peer Review Visit Exercise in Germany 2016

BWC/CONF.VIII/WP.11 — "Confidence in Compliance — Peer Review Visit Exercise at the Bundeswehr Institute of Microbiology in Munich, Germany" — Submitted by Germany, Co-sponsored by Switzerland and the United Kingdom of Great Britain and Northern Ireland

BWC/CONF.VIII/WP.11/Corr.1 — "Confidence in Compliance — Peer Review Visit Exercise at the Bundeswehr Institute of Microbiology in Munich, Germany" Corrigendum — Submitted by Germany, Co-sponsored by Austria, Belgium, France, Georgia, Jordan, Lithuania, the Netherlands, Norway, Poland, Portugal, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and Yemen

BWC/CONF.VIII/WP.29 — "Peer review visit exercise at the Bundeswehr Institute of Microbiology in Munich, Germany: Civil society observer report" — Submitted by Germany (see also http://www.nonproliferation.eu/web/documents/nonproliferationpapers/increasing-transparency-in-biodefence-a-2016-visit-54.pdf)

E. Information about the Peer Review Exercise in Morocco 2017

BWC/MSP/2017/WP.1 — Peer Review Exercise on the National Implementation of the Biological Weapons Convention (Morocco 9–11 May 2017) — Submitted by Morocco

Advance document/MSP 2017: European Union — "The European Union's continued support for strengthening the Biological and Toxin Weapons Convention"

F. Other similar initiatives

BWC/CONF.VIII/PC/WP.28 — Voluntary Visits for the BWC: A Concept Paper — Submitted by Chile and Spain

BWC/CONF.VIII/WP.18 — "BWC Implementation Review Initiative: Report by the United States of America on the Visit to Washington, DC" — Submitted by the United States of America

BWC/CONF.VIII/WP.22 — "BWC Implementation Review Initiative" — Submitted by Canada, Chile, Ghana, Mexico, and the United States of America

BWC/CONF.VIII/WP.27 — "BWC Implementation Review Initiative — Canada's report of the visit to Ottawa" — Submitted by Canada

BWC/CONF.VIII/WP.28 — "Convencion sobre la Prohibicion del Desarrollo, la Produccion y el Almacenamiento de Armas Bacteriologicas (Biologicas) y Toxinicas y sobre su Destruccion" — Submitted by Mexico

BWC/CONF.VIII/WP.33 — "Ghana's Report on the BWC Implementation Review Exercise held in Accra, 19–20 October 2016" — Submitted by Ghana

BWC/CONF.VIII/WP.35 — "Building Confidence Through Voluntary Transparency Exercises" — Submitted by Belgium, Canada, Chile, Czech Republic, France, Ghana, Germany, Luxembourg, Mexico, the Netherlands, Spain, Switzerland and the United States of America

BWC/CONF.VIII/WP.41 — "Ejercicio de Revision de la Implementacion Informe de Visita a Santiago de Chile" — Submitted by Chile

17. The peer review exercises are also referred briefly to in the reports of the MSP 2015 and MSP 2013 (as part of addressing the then standing agenda item 'strengthening national implementation').

18. Furthermore, the reports from the MX 2013, MX2014 and MX 2015 make reference to the peer review exercises in Annex I (Considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the topics under discussion at the Meeting).